IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 4720 OF 2007
IN
SUIT NO. 3383 OF 2007

Mr. Sanjay Dnyandeo Zurala. ... Plaintiff.

V/s.

Mr. B.C. Satyananrayan & Ors. ... Defendants.

Mr. S.D. Dharmadhikari for the Plaintiff.
None for the Defendants.

CORAM : DR. D.Y. CHANDRACHUD,J.

14TH DECEMBER 2007.

P.C. :-

. By consent the Motion has been taken up for final disposal at this stage.

2. The power of the Court to appoint a Court Commissioner under Order XXVI of the Code of Civil Procedure, 1908 cannot be permitted to enable a party to collect evidence. The Plaintiff would have to substantiate his allegation in respect of the damages caused, by leading evidence. The prayer for the appointment of a Court Commissioner cannot be allowed.

2. The Notice of Motion is dismissed.